

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re: ) Chapter 11  
BCBG MAX AZRIA GLOBAL HOLDINGS, ) Case No. 17-10466 (SCC)  
LLC, *et al.*,<sup>1</sup> )  
Debtors. ) (Jointly Administered)  
MAX AZRIA and LUBOV AZRIA, )  
Plaintiffs, )  
v. ) Adv. Proc. No. 17-01040 (SCC)  
BCBG MAX AZRIA GLOBAL HOLDINGS, )  
LLC, BCBG MAX AZRIA GROUP, LLC, )  
BCBG MAX AZRIA INTERMEDIATE )  
HOLDINGS, LLC, MAX RAVE, LLC, and )  
MLA MULTIBRAND HOLDINGS, LLC, )  
Defendants. )

## **ORDER AND DECLARATORY JUDGMENT IN ADVERSARY PROCEEDING**

The above-captioned adversary proceeding (the “Adversary Proceeding”) was filed March 21, 2017 by plaintiffs Max Azria and Lubov Azria (the “Azrias”) against defendants BCBG Max Azria Global Holdings, LLC, BCBG Max Azria Group, LLC, BCBG Max Azria Intermediate Holdings, LLC, BCBG Max Azria International Holdings, Inc., Max Rave, LLC, and MLA Multibrand Holdings, LLC (collectively, the “Debtors”).

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: BCBG Max Azria Global Holdings, LLC (6857); BCBG Max Azria Group, LLC (5942); BCBG Max Azria Intermediate Holdings, LLC (3673); BCBG MaxAzria International Holdings, Inc. (0977); Max Rave, LLC (9200); and MLA Multibrand Holdings, LLC (3854). The location of the Debtors' service address is: 2761 Fruitland Avenue, Vernon, California 90058.

On April 3, 2017, the debtor BCBG Max Azria Group, LLC (“BCBG Group”) filed its *Motion for (I) Partial Summary Adjudication of Adversary Proceeding and (II) Entry of an Order Authorizing the Rejection of Lubov Azria’s Employment Agreement* [Adv. Docket No. 5] (the “Summary Judgment Motion”) and the *Declaration of Yates M. French in Support of BCBG Max Azria Group, LLC’s Motion for (I) Partial Summary Adjudication of Adversary Proceeding and (II) Entry of an Order Authorizing the Rejection of Lubov Azria’s Employment Agreement* [Adv. Docket No. 6] (the “French Declaration”). On April 15, 2017, the Azrias filed *Plaintiffs’ Opposition to Defendants’ Motion for (I) Partial Summary Adjudication of Adversary Proceeding and (II) Entry of an Order Authorizing the Rejection of Lubov Azria’s Employment Agreement* [Adv. Docket No. 9] (the “Opposition”), together with the *Declaration of Lubov Azria in Opposition to Defendants’ Motion for Summary Judgment* [Adv. Docket No. 10] (the “Lubov Azria Declaration”) and the *Declaration of Max Azria in Opposition to Defendants’ Motion for Summary Judgment* [Adv. Docket No. 11] (the “Max Azria Declaration”). On April 21, 2017, BCBG Group filed its *Reply in Support of its Motion for (I) Partial Summary Adjudication and (II) Rejection of Lubov Azria’s Employment Agreement* [Adv. Docket No. 12] (the “Reply,” and collectively with the Summary Judgment Motion, the Yates Declaration, the Opposition, the Lubov Azria Declaration, the Max Azria Declaration, and the Reply, the “Summary Judgment Papers”).

Upon the Adversary Complaint, the Summary Judgment Papers, and the *Notice of Voluntary Dismissal Without Prejudice Pursuant to F.R.C.P. 41(a)(1)(A)(i) of Plaintiff Max Azria Only* [Adv. Docket No. 15] (“Voluntary Dismissal Without Prejudice”); and the Court having found that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for

the Southern District of New York, dated January 31, 2012, and that this Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Summary Judgment Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that BCBG Group's notice of the Summary Judgment Motion and opportunity for a hearing on the Summary Judgment Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Summary Judgment Papers and having heard the statements in support of the relief requested therein at the hearing before this Court on April 24, 2017 (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Summary Judgment Motion, the papers filed in support thereof, and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. For the reasons stated on the record at the Hearing, including the bench decision read into the record at the Hearing, a transcript of which is annexed hereto as Exhibit 1 (the "Transcript"), the Summary Judgment Motion is granted as set forth herein.
2. This *Order and Declaratory Judgment in Adversary Proceeding* (this "Order") and the Voluntary Dismissal Without Prejudice dispose of all claims by and against all parties asserted in the above captioned adversary proceeding, and the Order constitutes entry of judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, made applicable herein by Rule 7058 of the Federal Rules of Bankruptcy Procedure.
3. Notwithstanding anything to the contrary, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

4. BCBG Group is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

5. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

New York, New York  
Dated: May 8, 2017

/S/ Shelley C. Chapman  
THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE